THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.3027 AND 3038 OF 2006

DATED 28TH SEPTEMBER, 2006

BETWEEN:

I.Vasudeva Reddy and others

… Petitioners

AND

The District Collector, Nellore District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.3027 AND 3038 OF 2006

COMMON ORDER:

The two writ petitions can be disposed of by this common order. The petitioner in W.P.No.3027 of 2006 is son of the petitioner in W.P.No.3038 of 2006. Their lands situated at Sriharikota were acquired in 1969 for establishment of Rocket Launching Station. Government of Andhra Pradesh issued G.O.Ms.No.1024, dated 02.11.1970 laying down guidelines for rehabilitation of displaced persons on account of construction of Rocket Launching Station. The petitioners herein were assigned land in survey No.524. The mother and son were assigned four acres each in 1990, the assignment given to the son was cancelled by the third respondent on the ground that he alienated the land to his wife. He filed appeal before the second respondent. He also filed W.P.No.12683 of 1990 before this Court, which was disposed of directing the Revenue Divisional Officer (RDO) to pass appropriate orders in the appeal. Thereafter, second respondent passed orders on 25.08.2004 setting aside the proceedings of the Mandal Revenue Officer (MRO) observing that as per the Government Memo No.97344/Assn.II(3)/92-11, dated 16.09.2000, an assignee as per the orders in G.O.Ms.No.1024, dated 02.11.1970 has right of alienation of the land. Though the appeal preferred by the petitioner in W.P.No.3027 of 2006 was allowed by the second respondent, again the third respondent issued the impugned notice, dated 21.12.2004, to both the petitioners separately calling upon them to produce all documents to show their right and title in respect of the land in survey No.524. Aggrieved by the same, the present writ petitions are filed.

There cannot be any dispute nor it is denied before this Court that both the petitioners were assigned lands as repatriates of Sriharikota. Though the assignment was cancelled initially, the appellate authority set aside the same. Therefore, on this score, there could not have been any controversy. However, the third respondent in the impugned notice issued to the petitioners separately observes that the petitioners are in possession of Acs.7.93 cents in survey No.524 and so as to seek clarification, he directed the petitioners to produce documents. Mere issue of notice does not mean that the MRO again cancelled the assignment. Learned counsel for the petitioners submits that the land given to the mother and son put together is Acs.8.00 cents and the MRO lost sight of this while issuing the impugned notice. This is a matter which has to be enquired into by the MRO. The learned Assistant Government Pleader also does not

dispute this aspect of the matter.

In the result, the writ petitions are disposed of giving liberty to the petitioners to produce the copies of the orders passed by the RDO and assignment orders before the MRO along with a copy of the order within a period of three weeks from the date of receipt of copy of this order. After receiving the same, the MRO shall conduct enquiry and take necessary action in the matter keeping in view the fact that both the petitioners were assigned lands as repatriates under the rehabilitation scheme ordered by the Government in G.O.Ms.No.1024, dated 02.11.970. There shall be no order as to costs.

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(V.V.S.RAO,J)

28.09.2006
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